

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Commonwealth of Pennsylvania,)
Plaintiff,) **NO. 3:17-cv-1814-RDM**
v.) JUDGE MARIANI
Navient Corporation and) ELECTRONICALLY FILED
Navient Solutions, LLC,)
Defendants.)

)

NAVIENT DEFENDANTS' MOTION FOR CERTIFICATION

Pursuant to 28 U.S.C. §1292(b), Defendants Navient Corporation and Navient Solutions, LLC (collectively “Defendants”), hereby move to certify for immediate appeal the following issues: (1) whether a State may pursue copycat claims under the CFPA even after the CFPB filed its own CFPA claims against the same defendants targeting the same conduct, (2) whether the Higher Education Act preempts state-law claims against a loan servicer based on its communications with borrowers, and (3) whether a court can enjoin conduct that the plaintiff (a) admits ceased a decade ago and (b) never alleges will recur.

The grounds supporting this request are set forth in Defendants' supporting memorandum of law which is being filed simultaneously herewith.

Dated: January 4, 2019

Respectfully submitted,

By: /s/ Daniel T. Brier

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CERTIFICATE OF NON-CONCURRENCE

I, Daniel T. Brier, hereby certify that I sought the concurrence of Nicholas Smyth, Esquire, counsel for Plaintiff Commonwealth of Pennsylvania, in this Motion. Mr. Smyth does not concur.

/s/ Daniel T. Brier

Date: January 4, 2019

CERTIFICATE OF SERVICE

I, Daniel T. Brier, hereby certify that a true and correct copy of the foregoing Motion for Certification was served upon the following counsel of record via the Court's electronic case filing system on this 4th day of January 2019:

John Abel, Esquire
Commonwealth of Pennsylvania
Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120

/s/ Daniel T. Brier